IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE P.N.RAVINDRAN

THURSDAY, THE 13TH DECEMBER 2007 / 22ND AGRAHAYANA 1929

W.P.(C).No.36401 of 2007(H)

PETITIONER:-

BOBY THOMAS,
MANAGING PARTNER,
M/S.ARANGATH LATEX,
CHEMMALAMATTAM P.O.,
ERATTUPETTA,
KOTTAYAM.
RESIDING AT ARANGATH HOUSE,
ARUMANOOR P.O.
KOTTAYAM - 686 568.

BY ADV. SRI.GEORGE POONTHOTTAM

RESPONDENTS:-
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1. EAPEN JOSEPH,
   VELLUKUNNEL HOUSE,
   CHEMALAMATTAM P.O.,
   KANJIRAPPALLY,
   KOTTAYAM DISTRICT.

2. THE SUB INSPECTOR OF POLICE,
   ERATTUPETTA.

3. THE CIRCLE INSPECTOR OF POLICE,
   ERATTUPETTA.

R1 BY ADV.SRI.VIJU ABRAHAM.
R2 & R3 BY DIRECTOR GENERAL OF PROSECUTIONS SRI.P.G.THAMBI &
PUBLIC PROSECUTOR SRI.C.K.SURESH.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

APPENDIX

PETITIONER'S EXHIBITS:-

EXT.P1 - TRUE COPY OF THE CONSENT TO ESTABLISH UNDER ORDER SECTION 25 OF WATER (PREVENTION & CONTROL OF POLLUTION) ACT, 1974 AND SECTION 21 OF THE (PREVENTION & CONTROL OF POLLUTION) ACT, 1981.

EXT.P2 - TRUE COPY OF THE INJUNCTION ORDER IN I.A.NO.815/2007 IN O.S. NO.157/2007 DATED 25.10.2007.

EXT.P3 - TRUE COPY OF THE F.I.R. No.375/07 DATED 19.10.2007 FILED BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, ERATTUPETTA.

EXT.P4 - TRUE COPY OF THE F.I.R. NO.391/07 DATED 31.10.2007 FILED BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, ERATTUPETTA.

EXT.P5 - TRUE COPY OF THE F.I.R. NO.416/07 DATED 21.11.2007 FILED BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, ERATTUPETTA.

EXT.P6 - TRUE COPY OF THE F.I.R.No.76/07 DATED 4.12.2007 FILED BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, ERATTUPETTA.

EXT.P7 - TRUE COPY OF THE NO OBJECTION CERTIFICATE DATED 3.4.2007.

EXT.P8 - TRUE COPY OF THE CIRCULAR NO.24136(1)/R.A.1/07 DATED 25.7.2007.

EXT.P9 - TRUE COPY OF THE LETTER DATED 25.7.2007.

EXT.P10 - TRUE COPY OF THE ACKNOWLEDGEMENT DATED 5.2.2007.

EXT.P11 - TRUE COPY OF THE INTERIM ORDER IN W.P.(C).NO.33914/2007 DT.16.11.2007.

EXT.P12 - TRUE COPY OF THE INTERIM ORDER IN W.P.(C).NO.33914/2007 DT.21.11.2007.

EXT.P13 - TRUE COPY OF THE COUNTER AFFIDAVIT FILED IN W.P.(C).NO.33914/2007 DT.21.11.2007.

EXT.P14 - TRUE COPY OF THE REQUEST DATED 30.11.07 GIVEN TO THE S.I. OF POLICE.

RESPONDENT'S ANNEXURE:-

ANNEXURE-R3 - PHOTO COPY OF THE CERTIFICATE ISSUED BY THE SECRETARY, POONJAR GRAMA PANCHAYAT.

- TRUE COPY -

H.L.DATTU, C.J. & P.N.RAVINDRAN, J.

W.P.(C) No.36401 of 2007

Dated, this the 13th day of December, 2007

JUDGMENT

H.L.Dattu, C.J.

The petitioner is the partner of a partnership firm named 'Arangath Latex'. Petitioner's property is situated in Poonjar Panchayat. Petitioner intends to put up a construction to start a latex centrifuging unit. In this petition filed under Article 226 of the Constitution of India, it is the grievance of the petitioner that respondent No.1 and his henchmen are obstructing the construction and also threatening the life of the petitioner and his workers. Therefore, the petitioner is before us for a direction to the Sub Inspector of Police, Erattupetta to provide sufficient and meaningful protection to the petitioner to complete the construction of the latex centrifuging unit and also to protect the life and property of the petitioner from the illegal activities of the first respondent and his men.

2. When the matter was posted before this Court, we had requested Sri.P.G.Thampi, Director General of Prosecutions, to take notice for respondents 2 and 3 and file his statement, if any.

3. Now the third respondent has filed a detailed statement before this Court. In that he has stated that whenever the petitioner lodged a complaint against the first respondent and his henchmen, they have taken appropriate action against those persons by registering complaints as provided under the provisions of the Indian Penal Code and the Code of Criminal Procedure. It is also stated that the second respondent has strictly warned the first respondent

and his henchmen not to obstruct the construction of the factory by the petitioner firm.

4. In our opinion, whenever the petitioner has lodged a complaint before the police authorities against respondent No.1 and his followers, the police have acted upon the complaint and they have registered criminal cases against those persons. We cannot expect anything more from the police authorities. In that view of the matter, the reliefs sought for by the petitioner in this writ petition cannot be granted by us at this stage. Accordingly, placing on record the statement filed by the third respondent, this writ petition is disposed of. If and when any complaint is lodged by the petitioner, the police authorities will take appropriate action on the complaint.

Ordered accordingly.

(**H.L.DATTU)**
CHIEF JUSTICE

(P.N.RAVINDRAN)
JUDGE

vns